

### **REMARKS**

This responds to the Office Action dated March 7, 2006. No claims are amended, canceled, or added; as a result, claims 1-17 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1, 3, 8, 11, 13-15 and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Thompson (U.S. 2004/0167587A1). Applicant does not admit that Thompson is prior art and reserves the right to swear behind it at a later date as provided under 37 C.F.R. § 1.131. Nonetheless, Applicant respectfully traverses this rejection.

Applicant cannot find in Thompson any disclosure or description of “[a] user interface ... comprising a first module listing a plurality of cardiac rhythm management system device families” as currently recited in claim 1 and similarly recited in claims 11 and 15. Instead, Thompson apparently describes a multi-mode programmer 5 that is capable of communicating with different medical devices 8A-8D (*see* Thompson at FIG. 2; para. 0036). However, Thompson does not disclose a user interface listing families of cardiac rhythm management (CRM) system devices as required by claims 1, 11, and 15. While Thompson apparently describes communicative associations between the multi-mode programmer 5 and the medical devices 8A-8D in FIG. 2, this mere block diagram used for patent illustrative purposes cannot be construed as a user interface listing families of CRM devices. In contrast, the example of FIG. 5 of the present Application illustrates a user interface including a first module 560 listing a plurality of CRM system device families 562. Using an input device, a user can configure a programmer 125 to communicate with a CRM device by selecting an appropriate CRM device family 562 (*see, e.g.*, Application at p. 7, lines 15-26).

Moreover, Applicant cannot find “[a] user interface ... comprising ... a plurality of second modules, each associated with one of the cardiac rhythm management system device families listed by the first module, wherein the second module provides a plurality of high-level parameters associated with each of the cardiac rhythm management device families listed by the first module” as currently recited in claim 1 and similarly recited in claims 11 and 15.

Thus, because Thompson apparently does not disclose or describe all elements of claims 1, 11, and 15, Applicant respectfully requests withdrawal of the § 102(e) basis of the rejection.

Dependent claims 3, 8, 13, 14, and 17 depend on independent claims 1, 11, and 15 either directly or indirectly, and accordingly incorporate the features of these independent claims. These dependent claims are accordingly believed to be patentable for the reasons stated herein. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable. Thus, Applicant respectfully requests withdrawal of this basis of rejection for these claims.

§103 Rejection of the Claims

Claims 2, 4-7, 9, 10, 12 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson (U.S. 2004/0167587A1). Applicant respectfully traverses this rejection.

Applicant cannot find in Thompson any disclosure or description of “[a] user interface provided at startup of a programmer for a cardiac rhythm management system device, comprising a first module listing a plurality of cardiac rhythm management system device families” as currently recited in claim 9. As discussed above, Thompson apparently does not disclose a user interface for a CRM device with the elements required by claim 9.

Moreover, Applicant respectfully traverses the single reference rejection under 35 U.S.C. § 103 because not all of the recited elements of the claims are found in the cited reference. Because all elements of the claim are not found in the reference, Applicant assumes that the Examiner is taking official notice of the missing elements. Applicant respectfully objects to the taking of Official Notice with a single reference obviousness rejection and, pursuant to M.P.E.P. § 2144.03, Applicant respectfully traverses the assertion of Official Notice and requests that the Examiner cite references in support of this position.

Claims 2, 4-7, 10, 12, and 16 depend on independent claims 1, 9, 11, and 15 either directly or indirectly, and accordingly incorporate the features of these independent claims. As discussed above with respect to the § 102 rejection, Applicant cannot find any disclosure, teaching, or suggestion of all elements recited or incorporated in these claims. Accordingly, Applicant respectfully submits that no *prima facie* case of obviousness exists with respect to such claims. Thus, these dependent claims are accordingly believed to be patentable for the reasons stated herein. For brevity, Applicant defers (but reserves the right to present) further

remarks, such as concerning any dependent claims, which are believed separately patentable.

Thus, Applicant respectfully requests withdrawal of this basis of rejection for these claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date May 15, 2006

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of April, 2006.

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